

## Message Text

CONFIDENTIAL

PAGE 01 SAN JO 04655 242159Z

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 ARA-06 EUR-08 SCA-01 INR-05

CIAE-00 NSC-05 NSCE-00 INRE-00 SSO-00 /041 W

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O 232131Z SEP 76

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 5185

C O N F I D E N T I A L SAN JOSE 4655

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: VESCO EXTRADITION: ORTIZ CONSIDERING DROPPING CASE

REF: SAN JOSE 4562

1. AMBASSADOR MET SEPTEMBER 23 WITH EDUARDO ORTIZ. DCM AND EMBOFF WERE PRESENT.

2. ORTIZ REITERATED HIS CONCERN ABOUT USG SERIOUSNESS, SINCERITY AND RESOLVE ABOUT VESCO CASE AS REPORTED REFTTEL. HE REMINDED THAT HE HAD THOUGHT LONG AND HARD ON WHETHER OR NOT TO GET INVOLVED IN THIS CASE BEFORE ACCEPTING. HE NOTED THAT PERSONAL SECURITY CONSIDERATIONS HAVE ALWAYS TROUBLED HIM ABOUT THIS CASE (SAN JOSE 2788; ORTIZ-MAISTO MEMCON OF JULY 10, 1976; 1975 SAN JOSE 4013), AND CONTINUE TO WORRY HIM, ESPECIALLY IN LIGHT OF ALLEGED VESCO CONNECTION WITH DUKE HALL AND RECENT MURDER OF HALL IN CALIFORNIA (SAN JOSE 4599). NEVERTHELESS, ORTIZ SAID, AMBASSADOR'S ASSURANCES THAT USG WAS INDEED SERIOUS IN THIS MATTER AND HIS OWN STRONG FEELINGS CONVINCED HIM TO TAKE ON THIS WORK. ORTIZ STATED THAT WASHINGTON'S LACK OF DECISION ON MATTER OF EXPENDING FUNDS FOR TRANSLATION OF INDICTMENT TELLS HIM THAT THERE MUST BE LITTLE REGARD HELD THERE FOR ORTIZ OR FOR HIS WORK. MORE IMPORTANTLY, HE REITERATED, IT TELLS HIM THAT USG IS NOT SERIOUS ABOUT THE VESCO CASE. ORTIZ WENT SO FAR AS TO WONDER ALOUD WHETHER SOMEBODY IN USG IS DELIBERATELY

CONFIDENTIAL

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PAGE 02 SAN JO 04655 242159Z

HOLDING UP ACTION AGAINST VESCO.

3. ORTIZ ALSO REMINDED THAT EMBASSY HAD PROMISED TO INFORM HIM OF ANY VESCO-RELATED ACTIVITIES ABROAD OR IN COSTA RICA INCLUDING NEW CHARGES OR INDICTMENTS AND PARTICULARLY INVOLVING THE PHYSICAL SECURITY OF ANYONE CONNECTED WITH VESCO CASE (1975 SAN JOSE 4013; 1975 STATE 226594). IN THIS REGARD HE NOTED THE DUKE HALL MURDER IN CALIFORNIA, AND ASKED IF WE HAD ANY INFORMATION FOR HIM. AMBASSADOR CONFESSED WE DID NOT HAVE ANY MORE THAN NEWSPAPERS ACCOUNTS.

4. AMBASSADOR STATED HE FULLY UNDERSTOOD ORTIZ' MISGIVINGS ABOUT INTENTIONS OF USG IN THIS MATTER, AND THAT HE HAD EXPRESSED HIS VIEWS TO ASSISTANT SECRETARY SHLAUDEMANN. AMBASSADOR EXPLAINED THAT ONLY REASON WE CAN ASCRIBE TO THE DELAY BESIDES BUREAUCRATIC CONSIDERATIONS (PROBLEMS IN ARRIVING AT INTERNAL AGREEMENT IN DEPARTMENT OF JUSTICE; INTERAGENCY DIFFICULTIES) IS THE RECENT NEWS FROM WASHINGTON THAT JUSTICE IS LOOKING INTO "EXCITING NEW DEVELOPMENTS" IN VESCO MATTER, AND WILL BE ABLE TO INFORM DEPARTMENT AND EMBASSY ABOUT NEXT STEPS SHORTLY.

5. ORTIZ ASKED WHAT HE SHOULD DO WITH HIS STUDY. HE SAID THAT ALTHOUGH IT IS PRACTICALLY COMPLETED, THE CRIMINAL LAWYER ASSISTING HIM REFUSES TO SIGN OFF ON IT UNTIL HE HAS THE OPPORTUNITY TO REVIEW CAREFULLY THE FULL SPANISH TRANSLATION OF THE INDICTMENT. AMBASSADOR ASKED ORTIZ TO HOLD OFF FOR TIME BEING -- AT LEAST UNTIL ORTIZ RETURNS FROM COLOMBIA FIRST WEEK OF OCTOBER. ORTIZ AGREED.

6. AMBASSADOR ALSO PROMISED THAT HE WOULD ATTEMPT ONCE MORE TO GET WASHINGTON TO FOCUS ON PROBLEM OF TRANSLATION, AND TO PROVIDE ANSWER TO BASIC QUESTION OF WHAT USG INTENTIONS ARE AT THIS POINT IN VESCO CASE. AMBASSADOR AND ORTIZ AGREED TO MEET AFTER ORTIZ RETURN FROM COLOMBIA, AT WHICH TIME AMBASSADOR PROMISED TO HAVE ANSWERS. ORTIZ SAID THAT DEPENDING ON AMBASSADOR'S MESSAGE AT THAT TIME, HE WILL DECIDE WHETHER OR NOT TO CONTINUE HIS WORK WITH THE USG IN THIS MATTER.

7. IT IS QUITE CLEAR THAT ORTIZ WAS EXPRESSING DEEPLY AND SINCERELY-HELD MISGIVINGS ABOUT U.S. GOOD FAITH AND ITS SERIOUSNESS OF PURPOSE IN PURSUING THE VESCO CASE. CONSEQUENTLY  
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PAGE 03     SAN JO 04655 242159Z

UNLESS WE ARE ABLE TO COME UP WITH SOME CONVINCING POSITIVE ANSWERS FOR HIM AT OUR NEXT MEETING DURING THE FIRST WEEK OF OCTOBER, WE MAY END UP WITHOUT HIS SERVICES AND, EVEN WORSE WITH WIDE-SPREAD DOUBTS ABOUT WHERE THE U.S. GOVERNMENT REALLY STANDS ON THE VESCO MATTER. TODMAN

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